

students of the school bearing his name, to strive toward the same remarkable ideals he had advocated during his lifetime. Si Yu'os Ma'ase' Tun Jose put todú i setbisiu-mu para i tano'-ta.

BIPARTISAN PATIENT PROTECTION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage:

Ms. JACKSON-LEE of Texas. Mr. Chairman, we were given an opportunity today to come to this House Floor and enact a bipartisan, widely supported version of the Patients' Bill of Rights. I urge all members to support this fine bill and oppose the industry backed Norwood Amendment, which will only eviscerate the patient protection America needs. H.R. 2563, in its original form, will provide the health care reform the Nation needs by:

1. Giving every American the right to choose his/her own doctor.
2. Covering all Americans with employer based health insurance.
3. Ensuring that independent physicians conduct all external reviews of medical decisions.
4. Holding HMOs accountable when they make faulty decisions.

H.R. 2563 requires health plans to establish both internal and external appeals processes for decisions that affect health care benefits. The process requires that all internal reviews be exhausted in a timely manner before an independent medical expert would be allowed to review the decisions made by the health plan.

Under H.R. 2563, patients will be permitted to protect their rights by allowing a cause of action in state court for medical decisions, and in federal court for administrative decisions that prevent patients from receiving care. H.R. 2563 respects federalism by allowing state law to control when suits are brought in state court. The legislation punishes bad faith on the part of providers, also, by allowing for non-economic damages of up to \$5 million as a civil monetary penalty.

H.R. 2563 represents the concerns of both patient and providers by providing a comprehensive and balanced system that provides fair access to health care and fair resolution of disputes. It does this by protecting employers from excessive liability. H.R. 2563 protects small businesses and others who delegate their healthcare decisions to experts. Employers are protected from legal liability unless they participate in a decision on a claim that results in harm to the patient.

Mr. Chairman, the benefit to patients this legislation will bring is important. This bill re-

stores the patient's confidence in healthcare by guaranteeing emergency room coverage and ensuring timely access to healthcare. Also, Mr. Chairman, this legislation will protect the rights of women and children to access the specialized care they need. The bill provides direct access to OB/GYN care, as well as allowing parents to choose a pediatrician as their child's primary care provider.

I strongly urge all members to resist the Norwood amendment and any other attempt to alter what is already a compromise bill. The Norwood amendment would tilt the playing field in favor of institutional decision-makers. The proposed \$1.5 million cap on non economic and punitive damages does not accurately reflect the devastating impact of medical decisions that result in lifelong injuries. By requiring federal rules to apply in both state and federal court cases, the amendment also trounces the ideals of federalism.

This, however, is made almost irrelevant by the worst aspect of the Norwood amendment. If passed, this amendment would create a rebuttable presumption in favor of the decision of the independent reviewer, while at the same time giving the decision maker authority over who will do the independent review. Then the patient must produce clear and convincing evidence to overcome that presumption, a standard of proof just below that required for a criminal conviction. Thus, the standard required to review decisions actually limits the rights citizens would have in court. Also, the reviewer has no real incentive to be independent at all. This is not reform.

Mr. Chairman, the American people look to us to follow their wishes and enact real reform that puts the health of patients first. In order to do this, we must pass H.R. 2563. If we choose to follow the path the leadership desires by passing these misguided amendments, only special interests will be satisfied.

CELEBRATING THE 40TH ANNIVERSARY OF THE CITY OF BRISBANE, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in celebrating the 40th anniversary of the incorporation of the City of Brisbane, California. This picturesque city, located just south of the City of San Francisco, boasts wonderful views of the San Francisco Bay. It may have been incorporated for only 40 years, but its storied and diverse history goes back centuries.

The story of Brisbane begins with the Tribes of North Americans known collectively as the Ohlone, who inhabited the Bay Area and the slopes of San Bruno Mountain. These tribes lived off the land, which provided an abundance of rabbit and deer, and the Bay provided shellfish.

By 1776, Spanish settlers had arrived, and Franciscan Missionaries followed soon after. The mountains were used for grazing sheep and cattle of the Mission Dolores de San Francisco de Assisi. When the Mission period

of California's history came to an end, these same lands were secularized and dispersed as part of the Mexican land grants of the 1830's and 1840's.

Mr. Speaker, the first land grant for the area that would later become Brisbane, was made to Jacob Leese in 1837. Mr. Leese named his new territory, "Rancho Canada de Gaudalupe la Visitacion y Rodeo Viejo," but he then lost most of his land to settle a gambling debt. Charles Crocker purchased over 3,000 acres of the grant from Mr. Leese in 1884 for a small payment. Crocker was more successful in managing his land than Mr. Leese, and the properties eventually passed to the Crocker Land Company, which generated profits from the land through ranching and quarrying.

For the next quarter of a century, few people lived on the land that was to become the Brisbane. It was not until the early 19th century that attention was focused on the Peninsula as a location for residential development. Following the great San Francisco earthquake of 1906, people began looking toward the Peninsula as a refuge for earthquake victims. In 1908, the first subdivision map in the Brisbane area was recorded, establishing saleable lots, in what was then called "The City of Visitacion," which is now the location of downtown Brisbane. There was little development, however, until the 1920's and 30's when the area began to flourish and took on the name "Brisbane."

Mr. Speaker, those who came to Brisbane during the Great Depression and World War were filled with the American spirit, and they came to make a better life for themselves and their families. In Brisbane, land was cheap and people were able to put up a basic shelter until they could afford better housing. The community helped by assisting men with the building and women with the meals, and numerous volunteer and civic organizations assisted people in times of need. A community in every sense of the word, the residents of Brisbane shared the good times with their neighbors and banded together to get through the difficult periods. By the late 1930's the town had a post office, a library, public schools, a hotel, several small markets, a volunteer fire department and a weekly newspaper.

By the 1950's, Brisbane was well on its way to becoming a modern town. A lack of local capital, inadequate civic services, and the concern that powerful neighboring communities might dictate Brisbane's future led some citizens to consider incorporation. Others, however, were fearful that becoming a city would result in the loss of the small town character everyone valued. When the County of San Mateo began to discuss bulldozing Brisbane through an urban renewal program, matters came to a head and an election was held on the issue of incorporation. On September 12, 1961, voters overwhelmingly voted for incorporation.

The newly incorporated City included a mere 2.5 square miles. It was clear that additional land would be necessary to increase the city's tax base and to protect Brisbane from inappropriate and environmentally damaging development. The City solved these problems by annexing 700 acres of land which housed Southern Pacific and PG&E properties in 1962.